



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 2589-13
4 February 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 February 2014. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

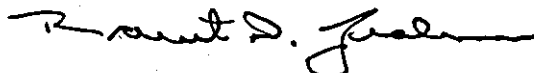
You enlisted in the Marine Corps and began a period of active duty on 19 December 1979. You served for about a year without disciplinary incident, but during the period from 27 January 1981 to 22 January 1982 you received nonjudicial punishment (NJP) on five occasions for inhaling lighter fluid with the intent to get intoxicated, two specifications of failure to obey a lawful order, disrespect, wrongful use of marijuana, drinking on duty, and a five day period of unauthorized absence (UA).

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 5 February 1982, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of self-medicating due solely to injuring your back. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in five NJPs and included drug abuse. Further, you were given an opportunity to defend your actions, but waived your procedural right. The Board further considered your assertion that you received a Good Conduct Medal. However, be advised that there is no documentation in your record which supports the premise that you completed a four year term of service without disciplinary incident/infraction which would entitle you to a Good Conduct Medal. With that being said, the notation on your Certificate of Discharge or Release from Active Duty (DD Form 214) does not show that you received a Good Conduct Medal, but only sets forth the starting date for the next period of the award. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT D. ZSALMAN
Acting Executive Director